

(115)

A
Legal Examination
OF
ABUSES
OF
LAW

Concerning { *Forcible Entry,*
Imprisonment without Warrant.
Riots, Routs and Unlawful Assemblies.
The publick Peace, and Breach of it.
Oppression and Dureſs by Goals & Goalers, &c.

Clearly evincing the Abuse and Illegality done
in the proſecution againſt the People called *Quakers*
in the City of *BRISTOL*.

Both by *Statute & Common-Law, Reason*
and *Approved Authorities.*

Vis Legibus eſt Inimica. Cook.

London, Printed and Sold by *Andrew Sowle*, at the Crooked-Billet
in *Holloway-Lane* in *Shoreditch*, and at his Shop without
Bishops-Gate, 1682.

50

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a formal communication, and it is the first of its kind in the history of the United States. It is a letter of introduction, and it is a letter of farewell. It is a letter of hope, and it is a letter of despair. It is a letter of love, and it is a letter of hate. It is a letter of peace, and it is a letter of war. It is a letter of justice, and it is a letter of injustice. It is a letter of truth, and it is a letter of lies. It is a letter of life, and it is a letter of death. It is a letter of light, and it is a letter of darkness. It is a letter of good, and it is a letter of evil. It is a letter of hope, and it is a letter of despair. It is a letter of love, and it is a letter of hate. It is a letter of peace, and it is a letter of war. It is a letter of justice, and it is a letter of injustice. It is a letter of truth, and it is a letter of lies. It is a letter of life, and it is a letter of death. It is a letter of light, and it is a letter of darkness. It is a letter of good, and it is a letter of evil.

A
T A B L E
OF THE
Ensuing Treatise.

§. I. **O**F the Riotous and Forcible Entry, and Excessive Spoil made upon the People call'd Quakers in Bristol, and how unwarrantable and expressly contrary to Law, page 1, 2, 3, 4, 5.

§. II. Of their first Imprisonments without Warrant or Mittimus, and how unwarrantable and contrary to Law and Justice, they being neither Riotously met, nor in Disturbance of the publick Peace, p. 5, 6, 7, 8, 9, 10, 11.

§. III. Riot, Rout and Unlawful Assembly explained by chief Justice Cook, Thomas Blunt, &c. Also, [Sedition] what it is: And the peaceable Religious Meetings of the People called Quakers vindicated therefrom, p. 11, 12, 13, 14, 15.

§. IV. The publick Peace, and the Breach of it explained, discovering that the said peaceable Meetings are not justly chargeable therewith, but they who furiously disturb, assault and abuse them, p. 15, to p. 21.

The TABLE.

§. V. *How Arbitrary and Illegal the late proceedings at Bristol are, in forcing peaceable Neighbours to Prison, and Nailing up Eighty seven Women and Fourteen Men together in their Meeting-House, close Prisoners for some Hours,* p. 21, to p. 26.

§. VI. *Of the great Oppression, Duress and Destructive Hardships, by crowding great Numbers together in Goal: How contrary to Law; and the dangerous Consequence thereof to Goalers, Sheriffs, &c. concerned; And what privilege the Law allows to Prisoners,* p. 26, 27, &c.

ADVERTISEMENT.

Note, **T**HAT every *Riot* is a *Breach of the Peace*, but every *Breach of the Peace* is not strictly a *Riot*, because one or two Persons by an *Assault*, *Affray* or act of *Violence* or *Injury* to another do break the *Peace*, but *Three* to a *Riot*.

A

Legal Examination

O F

Abuses of Law.

§. I. **T**^{Hat the Officers and rude Company have Ri-}
tously spoiled and made lamentable and cruel
Harock in and upon two Houses, which are
the Properties and Freeholds of divers Proprietors, un-
covering the Roof of one, and making the other uninhab-
itable, because the said People met in part thereof; and
after that making forcible Entry, and seizing on the whole
Premises, pretendedly for the KING, without any due
order or colour of Law; by which means a poor Widdow,
after great spoil and damage done to her, with a second
Inhabitant, were both forced to depart and quit their Ha-
bitation; and then, the Spoilers taking Possession, much
of the Spoil aforesaid was committed by the Rude Multi-
tude, with Sledges and other Tools on several Lord's days,
the one whereof was Christmalls-day last (so called.)

Bristol.
The Case.

Query, Whether such Proceedings be warrantable
 by Law?

Answer; No, they appear expressly Riotous and
 Arbitrary, as all such Irregular and Forcible Entries

B

are

are, as the following Instances and Authorities clearly evince. By the Statute 5 R. 2. 7. "None shall enter into
 "Lands or Tenements by **force**, on pain of Imprisonment, and Ransom at the King's pleasure; see *Wingate's Abridgment*, under the Title *Forcible Entry*;
 "A **Forcible Entry** is a Violent and Actual Entry
 "into any Lands, Houses, &c. see *Shepherds grand Abridgment*, Title *Forcible Entry*.

Again, by the Statutes of 5 R. 2. c. 7. & 15 R. 2. c. 2. & 8 H. 6. c. 9. "It is provided, That none
 "shall enter into any Land, but where Entry is given
 "them by Law; and then in a mild and peaceable manner: And that none shall enter into or
 "hold Possession of Land with a strong hand, and
 "with Force, *ibid* *Shep. Abridg.* Again, under the
 Titles of Riot, Rout and Unlawful Assembly,
 "This is (saith he) where three or more do meet
 "to do an Unlawful Act against the Peace, to beat
 "down a House, Pale, or the like, &c. Moreover,
 such kind of Spoil and Forcible Entries, as before
 mentioned, made upon any of the Properties, Tenements,
 Goods or Chattels of any of his Majesties Subjects,
 or Free-born English People, are not only repugnant to
 common Law and Justice, and Usage
 * Cap. 29. of England, but expressly prohibited by *Magna Charta*,
 and many penal Statutes in force, and therefore not to be
 suffered nor connived at by Authority; see the Statute;
 28 Edw. 3. cap. 3. "No man, of what Estate
 "or Condition that he be, shall be put out of Land
 "or Tenement; nor taken, nor imprisoned, nor
 "dis-inherited, nor put to Death, without being
 "brought in Answer by *Due Process* of Law, agreeable

able to *Magna Charta*, Stat. 9. H. 3. cap. 29. In such Riotous Forcible Entries and Seizures by a Rude Multitude, to make Havock and Spoil of Houses, Tenements or Goods, there's not the least colour of **Due Process, Due Course** or **Due Proceeding** of Law in the King's Courts of Justice, but an express Contradiction and Violation of Law and Justice; for **Due Process** and **Due Course of Law** in Courts of Justice require due Conviction, lawful Judgment of Peers or Equals, and matter of Record, to ground the King's Writ of Seizure upon, before an Entry can be legally made upon any Tenement or Freehold, where it may justly be made. See also the Statute 4 R. 2. cap. 7. where 'tis expressly declared, "That the King defendeth, that none from henceforth make any Entry into any Lands and Tenements, but in case where Entry is given by the Law, and in such case, not with strong hand, nor with multitude of People, but only in peaceable and easie manner. And if any man from henceforth do to the contrary, and thereof be duly convicted, he shall be punished by Imprisonment of his Body, &c. Besides, such Forcible Entries into other mens Lands or Tenements, and putting the Possessors out of the same, and taking away their Goods and Chattels, are said to be in manner of **Robbery** * (as the words of the Statute are) 4 H. 4. c. 8. Whereby some have been in such manner put out, and their Goods and Chattels spoiled, that they have nothing wherewithal to pursue for their Right; In such case the Chancellour of England (upon complaint made to him) hath Power to grant a special Assize

The Case.

* Those called *Quakers* at *Bristol* have in the state of their Case complain'd in these words, viz. of

of *The great Extortion* "to the Party grieved, of whatsoever value the *Tenements* be, without sueing to the King. And if *Spoil made* "such Disseisor be attainted of such Disseisin, made upon us by "in such forcible manner, he shall have one years *their excess-* "Imprisonment, and yield to the Party grieved his *due Distres-* "double Damages, &c. see the Statute more at large; *ses, carrying* away our 4 H. 4. c. 8.

Merchandize and Household Goods, whilst our Persons are closely confined, and like to be destroy'd in Prison: And their breaking open Doors and Closets, and rifling Shops, Cellars, Chests, &c. Tearing an innocent Man's Coat from off his Back, and taking above Ten Pounds of Money out of his Pocket for Distress; and most shamefully underselling the Goods, that they commonly take double the Fines, and sometimes more: This hath been the Informers course against us. Such excessive Distress *Horn's Mirror of Justice* doth thus set forth, viz. "As if one distrain me so *Outragiously*, that I cannot "Manure, Plow or use my Land duly, in which case it maketh one an "Outragious Distrainer to disseize, *Mr. Tit. Disseizin & Reddisseizin, cap. 2. §. 25.* Which kind of excessive and outrageous Distraining, is expressly prohibited by *Magna Charta*, cap. 14. "A Free-man shall not be "amerced for a small fault, but after the manner of the fault; and for "a great fault according to the greatness of the fault, *Saving* to him his "Contentement; and a Merchant likewise, *Saving* to him his *Merchandize*. And the Reason given by chief Justice *Cook* is, "For Trade "and Traffick is his Livelihood, and the Life of the Common-Wealth, "wherein the King and every Subject hath Interest. Whence it follows, That they who] destroy Trade by their excessive Distresses and Spoil on the Subjects Merchandize, Goods, &c. do act against the Interest both of King and People.

If it should be objected or alledged by those Officers, and others of *Bristol*, who are charged with such Force, Violence and Spoil against their Neighbours, **That they have Order from his Majesty to put the Laws in Execution against Dissenters, &c.** (as some of them would excuse themselves)

What

What follows? *Ergo* they may be Tumultuous, commit Riots and forcible Entries upon their Houses and Tenements, and withal, make Havock and Spoil upon their Goods and Chattels, and crowd their Persons up in Noisom Holes, to destroy them at their Wills and Pleasures; force the Widdow out of her Tenement and Dwelling. No such matter; such outrageous Proceedings as be against all Law and Justice, in going about thus Illegally to destroy the King's peaceable Subjects, and Free-born English People, are also against the King, and scandalous to the Government, considering the Maxim, *Voluntas Regis, Voluntas Legis*; 'tis not to be supposed, that he intended to countenance that which is apparently against express Law; witness the Statute, 16 Car. 1. c. 10. entituled, *An Act for the regulating of the Privy Council, and for taking away the Court commonly called the Star-Chamber*, viz. §. 5. "Be it likewise declared and enacted by Authority of this present Parliament, "That neither his Majesty nor his Privy Council "have or ought to have any Jurisdiction, Power or "Authority, by English Bill, Petition, Articles, Libels, or any other Arbitrary way whatsoever, to "examine or draw into question, determine or dispute of the Lands, Tenements, Hereditaments, "Goods or Chattels of any of the Subjects of this Kingdom; But, that the same ought to be tried and determined in the ordinary Courts of Justice, and by the "ordinary course of Law.

§. I. I. *The manner of our first Imprisonment hath been for the most part, by being (both Men and Women) baled* The Case.
and

and forced directly from our peaceable Meeting, to Bridewell or Newgate, at the Arbitrary wills and pleasure of John Knight, Sheriff, John Hilliar, and other their Assistants, the Rude Company attending them (and for some Hours, sometimes Dayes and Nights detain us in Goal) without any judicial Examination, Warrant or Mittimus from any Justice of Peace; and afterward convening us before one or more Justices for Commitment, and all this under pretext of a Breach of the publick Peace, or of a Riot: Whereas he that searches our Hearts knows, we had not the least precedent Intent of hurt; much less have we committed any actual Force or Violence to any Person whatsoever, nor the least occasion given on our parts, in Terrorem. The Meetings for which we are thus Oppressed being in no other posture than what hath been sober and peaceable.

Qu. Whether such kind of Imprisonment be warrantable by *Magna Charta*, the Law of the Land, or common course of Justice, though afterward they be committed by Warrant?

Ans. No, expressely contrary; see the following Instances and Authorities of the Lord chief Justice Cook, M. Dalton, and others in the case.

The Legal Examination. "The Liberty of a man is a thing especially favoured by the common Law of this Land; and therefore if any of the King's Subjects shall Imprison another without sufficient Warrant of Him or his Law, the Party grieved may have his Action, and shall recover Damages against the other, and the King also shall have a Fine of him.

See Dalton under the title Arrest and Imprisonment. Cook 9. 56. By the Statute of *Magna Charta*, made 9 H. 3. chap.

chap. 29. "No Free-man shall be taken or imprisoned,
 "&c. but by the lawful judgment of his Equals, &c.
 "by the Verdict of a Jury of good and lawful Men,
 "or by the Law of the Realm.

And by this Statute of *Magna Charta*, "Every
 "Arrest or Imprisonment, and every Oppression
 "against the Law of the Land is forbidden; and if
 "any Judge, Officer, or other Person, against the
 "Law shall usurp any Jurisdiction, and by colour
 "thereof shall Arrest, Imprison or Oppress any man,
 "it is punishable by the Statute; see *Cook* 10, 74, 75.

"Also, the Body of a man shall not be Arrested
 "or taken for any Debt, Trespass, or the like, but by
 "process awarded out of some Court of Record; see
 "*P. Accusation* 1. 42. *Aff.* 5. or by Warrant granted
 "by some Judge of Record.

"Neither shall any man commit another to Prison,
 "except he be a Judge of Record, *Cook* 10, 107.

"Justices of Peace be Judges of Record; vide *Dalt.*
 under the Title *Justices of the Peace*.

"And yet for Misdemeanours done against the
 "King's Peace, the Offendors may by the common
 "Law be Arrested and Imprisoned by the Officers of *Cook* 3. 21.
 "Justice, and sometimes by private Persons, as
 "hereunder followeth: Every private man may
 "Arrest another he knoweth to have committed a *10 E. 4. 17.*
 "**Robbery, Manslaughter, or other Felony**, and
 "may deliver him to the Constable of the Town,
 "where such an Offendor is apprehended.

Observe, That where Officers of the Peace, or
 private Persons are impowered to Arrest and Im-
 prison Offendors by the common Law, without Writ

or Warrant under hand and seal of a Justice, it is for some Notorious Fact done against the King's Peace, as a Violation thereof, as by *Robbery, Manslaughter,* or other *Fellony*: 'The Sheriff, Bailiffs, Constables, and other the Kings Officers may arrest and imprison Offenders in all such cases where a private Person may 'without Writ or Warrant, *Dalt. ibid. Tit. Arrest, Imprisonment.* Whence it follows, that for either Officers or private Persons to arrest or imprison any of the King's Subjects without Writ or such lawful Warrant, where no such Offence or Misdemeanours against the King's Peace can be proved against the party Arrested, nor any thing done that is *Malum in se*: Such Arrest and Imprisonment is an Oppression against the Law of the Land; 'tis an usurped Jurisdiction, contrary to *Magna Charta*, to the common course of Justice, and Law of the Land, and punishable. And even by the Conventicle Act it self, 22 *Car. 2.* where any Persons are to be taken into Custody (for the Reasons therein mentioned) either by the Sheriff, Constables or Head-Burroughs, &c. they are not authorized so to do without **Warrant** or **Certificate**, under the **Hand** and **Seal** of a **Justice of Peace** or **chief Magistrate**, and that *to the Intent they may be proceeded against according to the same Act*; which intends not their Commitment to Goal for their Religious Exercise, but to fine them upon Conviction, as therein exprest. And to the said pretext of *Breaking the publick Peace, &c.* though it be granted, that the Sheriff may take *Posse Comitatus* to apprehend **Fellons, Rioters, Disturbers** of the **King's Peace**, Persons that make **Forceable Entries** into other

other mens Possessions, &c. These cases do not concern any peaceable Religious Exercise, but are of another nature. As for Instance by the late *Conventicle Act*, 22 Car. 2. **five Persons** besides the Family are prohibited meeting under such colour of Religious Exercise; but **four** Persons besides the Family are not forbidden, the Family and four Persons more may meet; therefore 'tis not Riotous in Fact, nor a Violation of the King's Peace; for if but *Three* meet in disturbance of the King's Peace, it is a Riot; and it cannot rationally be supposed, that the Law-Makers, in permitting *Four* to meet, besides the Family, could thereby either intend or permit *Riots*, or the *Breach of the King's Peace*.

If it be objected, *That every Offence against the Law of the Land is a Breach of the publick Peace, or a Violation of the King's Peace. But the Quakers Meetings are against the Law, Ergo they are a Breach of the King's Peace.*

We must deny the major or first Proposition of this Argument. There are divers Offences against Law, which are of another species or kind than Riots, or the breach of the publick Peace, otherwise Writs, Processes and Warrants might be served on the Lord's Day in all other cases, wherein persons are Arrestable, besides those of *Treason, Felony or breach of the Peace*; and then, what needed any such exception to be made by Act of Parliament? as in that of 29 Car. 2. *For the better Observation of the Lord's day, where'tis expressly said, That no Writ, Process, Warrant, Order, Judgment or Decree shall be served on that day, Except in cases of Treason, Felony or breach of the Peace: Where-*

C

by

by 'tis plainly implied, That there are cases wherein Writs, Processess, Warrants, &c. are to be served on other days, but not on the *Lords-day*, which are not the Cases of Treason, Fellony or breach of the Peace; and therefore that those particular Cases and Crimes of Treason, Fellony, and Breach of the Peace, do not include all Offences against Law. For any to expound or extend the words of the said Act thus, viz. *That no Warrant shall be served or executed on the Lord's-day, except in such cases where some Offence is done against Law*; this were to suppose they might on other dayes serve and execute Writs, Processess, Warrants, &c. (and so daily trouble their Neighbours) for no Offence against Law; which were an absurd Inference, the said Act expressly prohibiting the serving or executing Process, Warrant, Order, Judgment or Decree on the Lords-day, for all Matters or Offences, except in cases of Treason, Fellony or Breach of the Peace.

Now in the case of *Breach of the Peace*, there must be a real and actual Breach or Violation of the publick Peace, as well as of Treason or Fellony, otherwise the Arrest is against the Statute before quoted, as where there are *Riots, Routs or Unlawful Assemblies* against the Peace, the Justices of Peace, "or two of them at least, together with the the "Sheriff or under-Sheriff, may by the Power of the "County suppress them, Arrest the Offenders, and "record *That which they have found so done against "the Law*, and that by the Record of the same "Justices, &c. such Trespassors or Offenders should be "convicted in manner and form as is contained in the "Statute

" Statute of *Forcible Entry*, 5 R. 2. c. 7. & 15 R. 2.

" c. 2. & 13 H. 7. 4. 7.

Note, There must be matter of Fact found done, that is of a Riotous Nature, in disturbance of the publick Peace, and so to be recorded; otherwise, if a Justice, Sheriff, or other Officers, should see a company of persons met peaceably together, and neither saying nor doing the least Evil, perhaps doing nothing, but sitting or standing together in silence; What Record or Conviction can they make hereof? What did they see done? If they record nothing but Truth, it must be, *That they heard them not say, nor saw them do any thing*; and therefore no Violence, Force or Injury to any person: Where is then the *Riot* or *Breach* of the *publick Peace*? Seeing that Assemblies 'for *divers Disports* are excused in Law, as being 'usually not with any intent to offer or do Violence 'or Hurt to the Person, Possessions or Goods of any 'other; neither are they (saith Dalton) *Malum in se*; 'they are (saith he) in themselves neither Evil nor 'Unlawful; *Dalt. Tit. Riots.*

Query; How then can the Prosecutors prove a *Malum in se* in peaceable Religious Meetings? To be sure, if nothing be said or done in them that is *Malum in se*, or Evil in it self, then no breach of the publick Peace, &c.

§. III. *Riotum* cometh of the French word *Rioter*, i.e. *Rixari*, and in the Law signifieth, *When three or more do any unlawful Act*, as to beat any man, or hunt in his Park, Chase or Warren, or to enter or take Possession of another mans Land, or to cut or destroy his Corn or Grass, or other Profit, &c.

Cook par. 3.
Institu. cap.
79. of Riots,
Routs, unlaw-
ful Assem-
blies, Forces,
Routs &c.

Latine Tur-
la --- Comes
st discordia
vulgi.

Namque a
Turbando no-
men sibi tur-
ba Recepit.

Lamb inst.
Leg. Ina, c.
12, 13, 14.
vide Alve-
red, c. 26.

Turma quasi
terdena Nu-
merus, i. e.
the number
of Ten.

Routa is derived of the French word **Rout**, and properly in Law signifieth, *When three, or more, do any unlawful Act, for their own or the common Quarrel, &c.* as when *Commoners break down Hedges or Pales, or cast down Ditches, or Inhabitants for a Way claim'd by them, or the like.*

An **Unlawful Assembly** is when three or more assemble themselves together to commit a *Riot* or *Rout*, and do it not. *Prædones autem nominamus usque ad Numerum septem virorum deinde (quousque Numerus 35 Coaluerit) Turmam (Saxonice Hloth) dicimus Numerus si excreverit exercitum vocamus: Prædones, &c.* Now we name them *Robbers*, to the Number of seven Men; then (until the Number of thirty five joyn together) we call it a *Troop* (in Saxon *Hloth*;) If the Number encrease, we call it an *Army*, *Hloth bota*, to be quit of Unlawful Assemblies.

One may commit a Force; but of this, that I may not unprofitably repeat, you may read at large *Fitz-Herbert*, and those others that have written of this Argument.

Interest Regi habere subditos pacatos, vis Legibus est Inimica; It is the Kings Interest to have his Subjects pacified; Violence is an Enemy to the Laws; see *lib. 5. fol. 91, & 115. lib. 11. fol. 82.* see the first part of the *Institutes*, *Sect. 431, 440. Cust. de Norm. cap. 52. fol. 66, 67.*

Tho. Blunt's
Nomo Lexi-
kon, or Latio
Dictionary.

Riot (Fr. *Riotte quod non solum Rixam, or Furgium significat sed vinculum etiam quo plura in unum fasciculo- rum instar Colligantur*; (*Riot* or *Rout*, which signifies not only *Brawling* or *Chiding*, but a *Knot* also, or *Tye*, whereby more are gathered into *One*, after the man-
ner

ner of Bundles.) **Riot** signifies, *The forcible doing an unlawful Act, by Three or more Persons assembled together for that purpose*, West. part 2. Symb. Tit. *Indictments*, Sect. 65. The differences and agreements between a *Riot*, *Rout* and *Unlawful Assembly*, see in *Lambert Eiren*, lib. 2. cap. 5. Stat. the 1st of *Mary*, cap. 12. and *Kirchin* fol. 19. who gives these Examples of *Riots*: The breach of Enclosures, Banks, Cundits, Parks, Pounds, Houses, Barnes, the burning of stacks of Corn, &c. *Lamb. ubi supra.* mentions these, To beat a Man, to enter upon a Possession forcibly; see *Rout* and *Unlawful Assembly*; see also in *Compl. Justice of Peace*, divers cases of *Riots*, Anno 17 Ric. 2. cap. 8. and 13 Hen. 4. cap. 7.

Rout, Fr. *Route*, i. e. *A Company or Number*, which signifies, An Assembly of three persons going forcibly to commit an unlawful Act, though they do it not; and this is the same which the *Germans* yet call **Rot**, meaning, A Band or great Company of men gathered together, and going to execute, or are executing indeed any *Riot* or *Unlawful Act*; see the Statute 18 Edw. 3. Stat. 1. & 2 R. 2. cap. 6. It is a *Rout* whether they put their purpose in execution or no, if they go, ride or move forward after their Meeting; *Brooke* Tit. *Riot* 4, 5. So as a **Rout** seems to be a special kind of unlawful Assembly; and a **Riot**, the disorderly fact committed generally by unlawful Assembly. Howbeit, two things are common both to *Rout*, *Riot* and *Unlawful Assembly*; the one, *That three Persons at least be gathered together*; the other; *That they being together, do disturb the Peace, either by Words, shew of Arms, Turbulent Gesture or Actual Violence, &c.* see *Lamb. Eiren*, lib. 2. cap. 5.

Unlawful Assembly (*Illicita Congregatio*) 'Is the
 'meeting of *Three*, or more persons together, with
 'force, to commit some unlawful Act, and abiding
 'together, though not endeavouring the execution of
 'it, as to assault or beat any person, to enter into his
 'House or Land, &c. *West. part 2. Symbol. Tit. Indict-*
ments, Sect. 65. Lamb. in his Eiren, lib. 1. cap. 19.

By the Statute 16 Car. 2. cap. 4. & 22 ejusdem cap. 1.
 'If five persons or more, shall be assembled together,
 'above those of the Family, at any Conventicle or
 'Meeting, under colour of any *Exercise of Religion*,
 'it is unlawful and punishable by *Fines*, and other-
 'wise, as in the said Statute is expressed.

Observe; But this colour of Religious Exercise is
 no Riot or breach of the publick Peace (much less
 being quietly met in silence) nor of that nature or
 kind; for then four persons above those of the Family
 would not be suffered to meet, as they are allowed by
 both these Statutes quoted (the first whereof, *i. e.*
 16 Car. 2. is expired) seeing that but three or more
 persons met together with force to commit some un-
 lawful Act, &c. is *Illicita Congregatio*, or such unlaw-
 ful Assembly as tends to a *Riot* or *Breach of the publick*
Peace, where 'tis attended with such previous Inten-
 tion, with force to commit an unlawful Act, as to
assault, beat, or make forcible Entry into other's Posses-
sions, &c. the most eminent Commentators on the
 Law do all concur in this point, which occasions those
 Reiterations on the several Authors; and be sure,
 there could be no precedent intent (in the Meeters) of
 the Sheriffs or Constables proclamation to depart.

There is no more Consistency between punishing
 peaceable

peaceable Meetings, both for a *Riot* and for a *Religious Exercise*, than it can be truth to say, they were *Fighting*, or in a *hot Fray*, whilst on their *Knees in Prayer to God*, or *quietly meditating in silence in his Law in their Hearts*.

And if such Meetings be charged with **Sedition**, or as being a **Seditious Conventicle**, and therefore Proclamation might be made to disperse it. That's as Improbable (or as far from proof) as a quiet silent Meeting is from a Violation of the King's Peace, where no overt Act of Religious Exercise (or pretence thereof) is to prove it so much as a Conventicle. For, *First*, What are **Seditious Conventicles**, but such wherein Strife and Rebellion against the Government is sown, tending to Insurrection, &c? *Secondly*, What is **Sedition**, but a stirring up Subjects to Rebellion and Discord, - a Raising Faction or Mutiny against the Government? (as *Phillips* in his *New World of Words*, and others, explain it) which, to be sure, there can be no Proof of against peaceable Religious Meetings, whether held under Religious Exercise of *Preaching, Praying, &c.* or in *Silence*.

§. I V. Upon enquiry into the sence of **Peace**, as the Law intends it, and the approved Writers explain it, 'twill easily appear, whether or no the said Meetings can legally be adjudged a **Breach** of the **publick Peace** or **Riotous** (whether they be either peaceably met in Silence, or under some overt Act of Religious Exercise) or those Persons *Riotous Breakers* of the *Peace*, who furiously disturb, assault and abuse them?

For

For a clear and evident solution of the point, observe E. L's *Philological Commentary and Collection*, in his Illustration of the word **Peace**.

"The Law of the Land (saith he) useth the word **Peace** diversly ; sometimes its taken for *Protection* or *Defence* ; so *Bracton* calleth the Writs of Protection, *Brevia de Pace* : Sometimes it is taken for *Rights, Priviledges and Liberties* ; sometimes for an *Abstinence from Injuries, Force and Violence, to its commonly taken*. Menacing beginneth the breach of the Peace, Assaulting encreaseth it, and Battery accomplisheth it.

The same Author Illustrates the words *Rout, Riot* and *Unlawful Assembly* thus, viz.

"**Rout** is so called, because they do move and proceed in Routs and Numbers. The difference betwixt an **Unlawful Assembly, Rout** and **Riot** is this: When three or more meet to do an Unlawful Act, this is an **Unlawful Assembly**: When they move (being *Weapon'd*) from the place of their meeting, towards the place where they purpose to do an unlawful Act (though they do it not) this is a **Rout**, from the *French* word, *Route*, i. e. *Turma*. When with unlawful Weapons, they do an unlawful Act, this is a **Riot**. An *Unlawful Assembly* may well be called an *Introduction* ; A *Rout*, a *Prosecution* ; and a *Riot*, an *Execution*.

"**Riot** (saith he) is where three (at least) or more, do some unlawful Act : It comes from the *French* word *Riotter*, i. e. *Rirari, Scold or Brawl*.

Other Authors say, "That **Riot** is where Three or more Persons be disorderly assembled, to commit
" with

Amber's
Justice of
Peace.
Dalton.

Cook on Lit.
l. 3. §. 50.

Compl. Just.

"with force any unlawful Act, and do accordingly
 "execute or attempt the same, *Lamb. 176. Cro. 61. a.*
Nu. 2. Dalt. 221.

"See *Dalt.*
Tit. Riot.
Forcible En-
tries, &c.

"Three or more enter into Land with Force, &c.
 "where their Entry is lawful, it is a Riot, *Dalt. 226.*
Cro. 64. a. Nu. 49.

"Menacings, Affraies, Assaults, Injuries and Violent
 "Handlings, and Entreatings, Battery and Malicious
 "Strikings, **Imprisonment without warrant**; To
 "thrust one into the water to endanger him; To Ravish
 "a Woman, To commit Felony or Treason; *Dalt. 181.*
Lamb. 127.

Compl. Ju
p. 34
 What sha
 be account
 ed a breach
 of the peace

"An Unlawful Assembly is of the Company of Three
 "or more Persons disorderly coming together,
 "forcibly to commit an unlawful Act, as to Beat a
 "Man, or Enter upon his Possession, or the like; *Lam.*
175. Dalt. 221. P. R. 25. Cro. 61. a. Nu. 2.

Compl. Ju
p. 349.

"First, An Unlawful Assembly, it is only to meet
 "to such a purpose, though they willingly depart
 "without doing any thing: Secondly, After meeting,
 "to move forward toward the executing of such Act,
 "whether it be done or no, is a Rout: Thirdly,
 "To execute such a thing is, a Riot, *Dalt. Lamb. 175,*
176. Cro. 61. a. nu. 3.

"In an Unlawful Assembly, Rout or Riot, two
 "things are common, and must concur: First, That
 "Three persons at least be gathered together: 2dly,
 "That their being together breed some apparent
 "Disturbance of the Peace, either by Speech, shew
 "of Armour, turbulent Gesture, or actual and express
 "Violence, so that either the peaceable sort of men be
 "unquieted and feared by the fact, or the lighter sort

Comp. Just.
ibid.

"and Buſie-bodies be emblodened by the Example, *Lam.* 176, 177. *Lit. Brook*, caſe 510. ſee *Shepherd's grand Abridgment* on the ſame.

Note ; Seeing that 'tis plain, That three or more Perſons coming together, Forcibly to commit an unlawful Act, to the injury of others (though they do it not) is an *Unlawful Aſſembly*, and their executing ſuch a thing, is a *Breach of the Peace* and *Riot* ; ſee how *Force* in the ſence of Law is explained, *viz.*

ompl. Juſt.
102.

"That which is properly *Force*, is either *Manu*
"*Forti* or *Multitudine* : *Manu Forti* is Violence
"offered to the Perſon of another by Deed or Word,
"*Dalt.* 199. By deed or actual Violence, or to be
"furnished with offensive Weapons, not uſually born,
"*ibid.* *Multitudine*, where there be two or three
"in a Company, or more, to make a *Riot*, or to do
"a *Force*, *Dalt.* A Trefpaſs made *Manu Forti* or
"*cum Multitudine*, though it be but to cut or take
"away another man's Corn, Graſs, or Goods, or ſell
"or crop Wood, or to do any other Trefpaſs, &c.
"ſeemeth *Forcible Entry*, puniſhable by the Statutes,
"*Lamb.* 143. *Dalt.* 200. And the Indictment here-
"upon muſt be good, both in matter and form, the
"words *manu Forti* or *cum Multitudine* are neceſſary,
Dalt.

Dalt. under
the Title
Riots, Forci-
ble Entry,
&c.

What ſhall be ſaid to be a *Riot*, *Rout* or *Unlawful Aſſembly*, within the meaning of theſe Statutes,
13 *H.* 4. 7. and cap. 9, 7. 2 *H.* 5, 8. and 19 *H.*
7. 13.

"When three Perſons or more ſhall come or aſ-
"ſemble themſelves together, to the *Intent* to do any
"unlawful Act with *Force* or *Violence* againſt the
"Perſon

"Person of another, his Possessions [a] or Goods, as to [a] Su
 "Kill, Beat, or otherwise to Hurt [a] or to Imprison like Usag
 "a Man, to pull down a House, Wall, Pale, Hedge or have the
 "Ditch wrongfully, to enter upon another man's Posses- Quakers an
 "sion, or to cut or take away Corn, Grass, Wood or other their Mee-
 "Goods wrongfully, or to Hunt unlawfully in any ting-Room
 "Park or Warren, or to do any other unlawful Act and the po
 "(with Force or Violence) against the Peace, or to House an
 "the manifest Terror of the People; if they only Tenement
 "meet to such a purpose or intent (although they met with
 "shall after depart of their own accord, without at Bristol,
 "doing any thing) yet this is an Unlawful Assembly; (those tha
 vide Dalt. under the Title Riots. have seen
 the usage in
 Fast, may

easily judge whether 'twas not Riotous) Their Complaint is also Of the
 gross Abuse and Violence done to them at their Meetings, as by Beating, Push-
 ing, Pulling and Tearing Womens Clothes, Scarfs, Hoods, &c. shameful In-
 civilities used towards them; and some of them Pinched in their Arms, thrown
 down in the Street, hurt and bruised.

"If after the first Meeting, they shall ride, go or
 "move forward towards the execution of any such
 "Act (whether they put their intended purpose in
 "execution or not) this is a Rout.

"And if they do execute any such thing indeed, [b] As
 "[b] then it is a Riot. they did on

"Now in Riots, Routs and Unlawful Assemblies several hou-
 "these four Circumstances are to be considered: ses in Bristol,

"First, The Number of the Persons assembled. breaking

"Secondly, The Intent and Purpose of their Mee- down & de-
 "ring. In - sides,

"Thirdly, The Lawfulness or Unlawfulness of the Wainscots,
 "Act. Partitions,

D 2

"Fourthly,

"Fourthly, *The Manner and Circumstance of doing it.*

"For the *Number*, there must necessarily be three
 "Persons at the least so gathered together, or else it
 "can be no *Riot, Rout or Unlawful Assembly* within
 "the meaning of these Statutes.

By the Statute of 1 M. 12. and 1 Eliz. 16. "If
 "twelve persons or more assembled together, with
 "intention to practise or put in use with Force and
 "Arms unlawfully, and of their own Authority to
 "change any Laws, &c. in force, refusing to depart;
 "or continuing together by the *space of one hour after*
 "*Proclamation* made by the *Sheriff or Justice, &c.* it
 "was adjudged Felony in them all. — But these two
 "last Statutes stand now discontinued; *Dalt.* under
 the Title *Riots, ibid.*

Assemblies
lawful.

"But an Assembly of an Hundred Persons, or
 "more (yea, though they be in Armour) yet if it
 "be not in *Terrorem Populi*, and were assembled
 "without any intent to break the Peace, it is not
 "prohibited by any of these Statutes, nor unlawful.

"For the *Intent*. It seemeth, it can be no *Riot*,
 "&c. except there be an Intent precedent, to do
 "some unlawful act, and with Violence or Force;
Dalt. ibid.

"Also, where there be three or more, gathered
 "together to execute the Justice of the Law, or for
 "the exercise of Valour and tryal of Activity, or
 "for the encrease of *Amity and Neighbourly*
 "*Friendship* (and not being met with an Intent to
 "break or disturb the Peace, or to offer Violence or
 "Hurt to the person of any) such Assemblies be not
 "prohibited.

"prohibited by any of these Statutes, nor unlawful; see *Dalt. ibid.* under the Title *Riots*, p. 142.

"Every man in peaceable manner may assemble, meet Company, and may come to do any lawful thing, or to remove or cast down any common Nuisances. *Dalt. ibid.*

To Conclude this point for the Manner & Circumstances.

"As there must necessarily be three Persons at the least assembled together, to make a Riot, &c. so their being together, and their demeanour must be such as shall or may breed some apparent Disturbance of the Peace, either by Threatning Speeches, Turbulent Gesture, shew of Armour, or actual Force or Violence, (to the Terror and fearing of the peaceable sort of People, or to the emboldening and stirring up of such as are busie-headed, and of Evil disposition by such Fact) or else it can be no Riot, &c. *Dalt. ibid.* p. 195. *Shep. gr. Abridg.* Tit. Riot, Rout, Unlawful Assembly, fol. 259. Dalt. Title Riots.

§. V. Further, to shew the unwarrantable proceeding of those Officers and Persons at *Bristol*, who force their peaceable Neighbours to Prison, at their Arbitrary Wills and Pleasures, without Warrant or Process under Hand and Seal of a Justice, or so much as convening before a Justice, as also *Their Nailing up Eighty seven Women and Fourteen Men together in their Meeting-House, and their detaining them close Prisoners for many hours together, &c.* let the following Instances be observed.

"The

ee *Dals.tit.* "The Justices of Peace cannot command by word
Warrants, "to Arrest another, being out of their presence;
 4 *H. 7, 8.* "neither may one in the absence of the Justice Arrest
Mr. Peace, 7. "another upon his command by *Parol*, but it must be
 "by a *Precept* or *Warrant* in writing, by the greater
 "opinion of the Justices.

"Now their Warrant or Precept by Writing ought
"to be under their Hand and Seal, or under their
"Hand at least.

c] But we may wonder what War-
rant or Law they had for Nailing up
& Imprisoning so many
“ And if it be for the Peace or good Behaviour, or
the like, where Sureties are to be found or required,
“ The Warrant [c] ought to contain the special Cause
and Matter whereupon it is granted, to the intent
“ that the party (upon whom it is to be served) may
provide his Sureties ready, and take them with
him to the Justice of Peace, to be bound for him.

"The Sherriff having a Warrant directed to him by the Justice of Peace, and will command another man (that is no such known Officer) to serve it, he must deliver him a Precept in writing, otherwise a *Writ of False Imprisonment* will lie for the Arrest.

Children in the Streets? "If the Justice will direct his Warrant to his Ser-
vant, or to another (who is no Sworn Officer) to
serve it, they must shew their Warrant to the Party,
Dals. Title "if he demand it, or otherwise the party may make
Warrants, "Resistance, and needs not to obey it.
Feb. 201.

"A sworn and known Officer, if he will not *show*
his Warrant to the party, yet he ought, upon the
Dats. ibid. "Arrest to declare the Contents of his Warrant,
tit. Warrants "&c.

“And an Officer giveth sufficient Notice, what he
“ is

"is, when he saith to the Party, *I Arrest you in the King's Name, &c.* and in such case the Party at his perill ought to obey him, though he knoweth him not to be an Officer. And if he have no lawful Warrant, the Party grieved may have his Action of *False Imprisonment* against him; *Dalt. Title Warrants.*

Query; Set case an Officer doth Arrest a Man or persons for the Peace, or the like, and not only so, but sends them to Goal, and there detains them for some hours, it may be days & nights before that he hath any Warrant, and then afterward doth either procure a Warrant, or cause the persons thus Imprisoned to be convened (which is our case at *Bristol* frequently) before a Magistrate, and then committed by Warrant, Whether this be warrantable or legal?

Answ. No; "If an Officer doth Arrest a man for *Dyer 244.*
 "the Peace, or the like, before that he hath any War- *F. Bar. 248.*
 "rant, and then afterward doth procure a Warrant, *Lamb. 93.*
 "(or a Warrant cometh after him) to Arrest the party
 "for the same cause, yet the first Arrest was wrongful,
 "and the Officer is subject to an Action of false Imprison-
 "ment; see *Dalt. Tit. Warrants.*

See also *Edm. Wingate's Abridgment*, under the Title *Sheriffs*, §. 46. *Stat. 1. E. 4. 2.* "Sheriffs shall deliver all Indictments and presentments taken in their Turns unto the Justices of Peace at their next Sessions, in pain of 40 l. &c. And here if the Sheriff levy any Fine, or commit any to Prison by colour of any such Indictment or Presentment, or otherwise, than by warrant from the Justices, as aforesaid, shall forfeit 100 l.

§. 66. *ibid.* Stat. 1. M. Par. 1. Sess. 2. cap. 8. "No Sheriff shall be Justice of Peace, during his Shrievalty; and all acts then done by him as Justice of Peace, shall be void.

Query, Whether to distrain and spoil Peoples Goods; and keep their Bodies in Prison for the same Meeting or Offence (supposed) be warrantable in Law?

Answ. No: See *Mirroure*, Tit. *Abuses of the common Law*, §. 154. "It is Abuse to judge a man to divers Punishments for one Trespas, as to a corporal Punishment and to a Ransom, since *Ransom* is but a *Redemption* from Corporal Punishment by Payment of a Fine of Money.

Obj. If it be alledged, viz. *Though the Sheriff and Officers find your Meetings in a peaceable quiet posture, and no Violence or Force to any person committed, threatned or offered, whereby to render it a breach of the publick Peace, or a Riot, (which are all one) But their not dispersing immediately upon Proclamation made by the Sheriff or Constable, and Informers, this makes their Meeting a breach of the publick Peace, and consequently a Riot (for so our Town Clerk, and Sheriff Knight, and Informers of Bristol have declared it) and therefore they may force the Meeters to Goal in the first place without Warrant.*

Answ. Its evident then that the Meeting is no *Riot* (being in no Riotous posture) before such mandatory Proclamation; and its as evident, that 'tis a Preposterous and Irregular way of proceeding (and as weakly argued) to make such Proclamation an occasion

occasion or cause of the Riot, when-as a Riot should be the occasion of such Proclamation, for the Riotous Persons or Disturbers of the Peace to disperse, otherwise the Sheriff, &c. may at their wills and pleasures exercise such Jurisdiction and arbitrary Dominion over any of the King's peaceable Subjects, when they give no occasion for any such command over their persons: This is a new course of preposterous proceeding; and their forcing the Persons to Goal without Warrant, appears as unwarrantable.

Pray, *first*, by what Law is such Proclamation made by the Sherriff, &c. to Persons in no unquiet, no formidable nor Riotous posture? *secondly*, By what Law do they deem the Meeters not presently submitting to the Sherriffs command, a breach of the Peace or Riot, when they are peaceable and passive, and neither hurt nor offer the least Violence or Harm to any Body? How can it be proved then, that any thing is done by them that is *Malum in se*, to occasion such command or penalty?

For where the Law requires the Justice of Peace, together with the Sherriff, to command the dispersing of such Unlawful Assemblies as are Riotous in Intention or Fact, they are really so first. And their being such either by Intention manifest, by shew of Armour or menacing Words, &c. or else Riotous in Fact (their being Riotous) is the occasion of the Justices mandatory Proclamation to disperse; and not his Proclamation the cause of their being such. Nor can preventing Justice be justly pleaded for such Proclamation and Punishment for *breach of the King's Peace*, when no matter of Fact appears of that nature, on their

E

parts,

parts, who are thus prosecuted and punished for *Prevention*; and the pretence of *Prevention* grants no *Fact* perpetrated or done. And *Suspicion* cannot justly be pretended to punish persons equally with *Offenders*, any more than to Hang a man on *Suspicion* of *Felloany*, when no such fact can be proved against him.

The Case
of the Pri-
soners.

§. VI. *As a farther Addition to the Cruelty against us, such great Numbers have been from time to time sent to Goal, most of them poor Handicrafts men, all of us (being then) near Ninety Persons at a time held under severe Restraint, both much of the last Winter, and since, that we have no conveniency of Room, either for Work, Lodging or Air; but crowded and prest in that Extremity, that a great number have been forced to sit up all Night, and afterward some to lie under the Tables, resting their heads upon the foot frame thereof, and some upon the Tables, and many to lie on Mats all over the Floors of two very cold Rooms in Winter, being the publick Thorow-passages of the Goal; And not only so, but now in this hot season, we are crowded and Thronged together in such great Numbers in a close noisom Goal, as tends to breed Infection (according as able Physitians and other persons of Credit in Bristol have certified under their hands) and to suffocate and clandestinely to bring many to a lingering Death for want of good Air and convenient Room and Lodging for so many scores of Persons, both Men and Women, under such Dureß or Hardship in Newgate, besides that of Bridewell, wherein also many Women are crowded and closely kept, so that even in this Moneth called July, 1682. we are close Prisoners to about the Number of Eight Score, whereof a great Number are Women.* Query;

Query, Whether such close and destructive Confinement be warrantable or legal, either in Sheriff, Goaler or other Officers?

Ansiv. No; 'tis wholly unwarrantable, and against Law, as by the following Reasons, Authorities and Instances plainly appears.

By common Law we find, "That *Carceres ad continendos, non ad puniendos haberi Debent*, i. e. Goals are Legal Exa-
mination.

"ordained to hold Prisoners, not to punish them. Bracton, lib

"For Imprisonment by the Law, is no more (nor 3. fol. 105.
ought to be) than a bare restraint of Liberty, with-
out those illegal and unjust Destructions of close and Stamf. ple.
Cro. fol. 70.
open Prison.

'Therefore chief Justice Cook saith, "That if the 3 Inst. 91.
Bracton, fol.
Goaler keep the Prisoners more straitly than he ought

"of right, whereof the Prisoner dyeth, 18. Flet. l.

"this is *Fellony in the Goaler* [d] by [d] It is de-
sired, if it be the
will of the Lord,
that the hard U-
sage and strait
Confinement of
1. c. 26.

"the common Law. And this is the Cook 3 Inst.
fol. 34.

"cause, that if a Prisoner dye in Prison,

"the Coroner ought to sit on him.

those called Quakers in Bristol may not occasion Infection in that City, nor the Death of any of them in Prison, that the Guilt of Innocent Blood may not fall upon that City (the danger whereof has been fully signified.) But if any of them be forced to end their days in Prison, 'tis to be hoped, That the Coroners Inquest will have good Information, and take just cognizance of the occasion, that the Cry of innocent Blood may not be unjustly smothered, when they are unjustly and clandestinely destroyed in a nasty Goal.

See also the said Cook, fol. 34. cap. *petty Treason*, how Prisoners are to be used, wherein is also an account of

an Indictment of a Goaler for evil Usage of his Prisoner, fol. 35. in *Trin. Term*, 7 E. 3. *Cor. Rege rot.* 44. *presentat*, &c. "That whereas one R. B. of T. was "taken and detained in the Prison of *Lincoln Castle*, "for a certain Debt of Statute Merchant, in the "the custody of T. B. Constable of the Castle of L. "aforesaid. That the said T. B. put the said R. into "the common Goal among Thieves in a filthy Prison, "contrary to the form of the Statute, &c. and there "detained him till he had paid him a fine of 40 s.

Whereupon Justice Cook makes this Observation ; fo as hereby it appeareth, where the Law requireth that a Prisoner should be kept (*vi salvi & arcti Custodi*) that is, "In safe and sure Custody ; yet that "must be without any pain or torment to the Prisoner.

So Cook 3. Inst. 52. saith, "If a Prisoner by the "Dureß, that is, hard Usage of the Goaler, come to "Untimely Death, this is *Murder in the Goaler*, and "in the Law implyeth *Malice*, in respect of the Cruel- "ty ; And this is the cause, that if a man dye in Prison, the Coroner ought to sit upon his Body, to the "end it may be enquired of, Whether he came to his "Death by the Dureß of the Goaler, or otherwise ?

All which appeareth in *Britton*.

Mirror Just. saith, "That it is an abuse of the "Law that Prisoners are put into Irons, or other pain, "before they are attainted.

"Also, because it is forbidden, "that any be pained before Judg- "ment, the [e]. Law requireth, that "none be put among Vermin, or in "any horrible or dangerous place.

And

Brit. c. 11.
de Prison,
fol. 18.

See *Mirror*,
c. 2. §. 11
de Homicid.
§ Hen 6. § 8
Mirror, Tit.
Goal, cap. 2.
§. 9.

[e.] *How then will*
Sheriff Knight &
John Hilliar, &c.
answer their A-
buses & Violence
done

“ And also, they fall under the Offence of *Manslaughter*, who imprison the people in such places, or put them to such punishment, where it may be found by *Inquest*, that by those means, places or punishments they come sooner to their Deaths, *ibid.* see also *Cook 3 Inst.* 34, 35.

“ Also, into the Offence of *Manslaughter* fall all those by whom a mandyeth in Prison; and that may be either by the Judge, who delays to do Justice, or by Durefs and the Keepers, or by other unjustifiable occasion-----And those who kill a man imprisoned, by a surcharge of pain, in case when any is adjudged to penalty only. And also reckons the starving of Prisoners by Famine, to be among the crimes of *Homicide* in a Goaler: Which also Judge *Cook* holds in *3 Inst.* c. 29. Tit. e, *Fellony* in Goalers by Durefs of Imprisonment, &c. by Statute, and by the common Law, fol. 91.

After in the *Mirror*, an account is given of 44 Justices or Judges in one year hanged by K. *Alfred*, for their false Judgment and Injustice. Another account is given, “ That he hanged the Suitors of Cirencester, because they kept a man so long in Prison, who would have acquitted himself by Forreigners, that he offended not feloniously, Tit. *Abus. com. Law.* c. 5. §. 1.

done to the Prisoners in Goal, in *Mirror*, c. pushing one back; §. 9. Of ward down Stairs, *Manslaughter* to the hazarding ter. his Life; putting some down into the condemned Fellons Hole, with other Violence, Threatning the Prisoners with Irons, &c? as related in their Distressed Case in *Print*, pag. 26, 27, 28. Besides their great Oppression by crowding the Goal so full, both Newgate & Bridewel, without regard to Age, Sex, Quality or Condition? Add to these their putting poor innocent Children in the Stocks at High-Cross; see their Farther Account, p. 5. As also their other Abuses and Cruelties to the poor Children.

Also,

Also, observe what provision is made for Prisoners by the statute 22 & 23 *Car. 2. cap. 20. §. 10. viz.*

"And that every under-Sheriff, Goaler, Keeper of
 "Prison or Goal, and every person or persons what-
 "soever, to whose Custody any person or persons shall
 "be delivered or committed, by virtue of any Writ of
 "process, or any pretence whatsoever, shall permit
 "and suffer the said person or persons, at his and their
 "will and pleasure to send for and have any Beer, Ale,
 "Victuals and other necessary Food where and from
 "whence they please; as also to have and use such
 "Bedding, Linning, and other things, as the said person
 "or persons shall think fit, [*f*] without any prolong-
 "ing, detaining or paying for the same, or any part
 "thereof.

(f) All which
 Jews, they
 are not to be
 visited or de-
 stroy'd in
 Prison.

(g) And as *Ibid. §. 13.* And whereas it is become the common
 the common "practice of Goalers, &c. to lodge together in one
 Goal or Pri- "Room or Chamber and Bed, Prisoners for Debt and
 son is the "Fellons, whereby many times honest Gentlemen,
 King's, and "Trades-men & others, &c. are disturbed and hindred
 none hath a "in the night time from their natural Rest, by reason
 common Pri- "of their Fetters and Irons, and otherwise much of-
 son or Goal, "fended and troubled by their lewd and prophane
 but the King "Language and Discourses, with most horrid *Cursing*
 only, *Mir. tit.* "and *Swearing*, &c. Be it enacted, &c. That it shall
 Goals and "not be lawful hereafter for any Sheriff, Goaler or
 Goalers, c. 2. "Keeper of any Goal or Prison, to put, keep or lodge
 §. 9. and "Prisoners for Debt & Fellons together in one Room
 Manslaugh- "or Chamber, but that they shall be put, kept and
 er, c. 1. §. 9. "lodged seperate & apart one from another, in distinct
 So a free "Rooms, [*g*] upon pain, that he, she or they that
 Prisonought. "shall offend against this Act, or the true intent and
 to be allow- "meaning
 ed the Kings
 Prisoners.

“ meaning thereof, or any part thereof, shall forfeit
 “ or lose his or her Office, place or Employment, and
 “ shall forfeit treble Damages to the party grieved, to
 “ be recovered by virtue of this Act; any Law, Sta-
 “ tute, Usage or Custom to the contrary in any wise
 “ notwithstanding.

Also, there is another Right and Priviledge allowed
 by Law for delivering Warrants of Commitment and
 Detainer to Prisoners, which some Goalers having
 been ready to hinder them of, it may not be amiss here
 to incert the Clause of the statute, 31 Car. 2. entitled,
An Act for the better securing the Liberty of the Subject,
 commonly called, *The late Habeas Corpus Act.*

The Clause : “ And be it further enacted by the
 “ Authority aforesaid, That if any Officer or Officers,
 “ his or their under Officer or under Officers, under
 “ Keeper or under Keepers or Deputy——upon de-
 “ mand made by the Prisoner, or person in his behalf,
 “ shall refuse to deliver, or within the space of six
 “ hours after demand shall not deliver to the person
 “ so demanding, a true Copy of the Warrant or War-
 “ rants of Commitment and Detainer of such Prisoner,
 “ which he and they are hereby required to deliver
 “ accordingly, all and every the head Goalers and
 “ Keepers of such Prisons, and such other person in
 “ whose custody the Prisoner shall be detained, shall
 “ for the first offence forfeit to the Prisoner or party
 “ grieved, the Sum of 100 *l.* and for the second Of-
 “ fence the sum of 200 *l.* and shall and is hereby
 “ made incapable to hold or execute his said Office:
 “ The said penalties to be recovered by the Prisoner
 “ or party grieved, his Executors or Administrators,
 “ against

“against such Offendor, his Executors or Admini-
 “strators, by any action of Debt, Suit, Bill, Plaint or
 “Information in any of the King’s Courts at *Westmin-*
ster, &c.

Note, That the suffering Case of the People called *Quakers* in
 the City of *Bristol*, is more fully stated in their own late
 Accounts: The one entituled, *The Distressed Case of the*
People called Quakers in the City of Bristol, and their Inhu-
mane Usage. The other entituled, *A farther Account of*
the Continuation of the cruel Persecution of the People called
Quakers in Bristol, without regard to Age or Sex.

THE END.

Books Printed and Sold by *Andrew Sowle* at the sign of
 the Crooked-Billet in *Holloway-Lane* in *Shoreditch*.
 and at his Shop without *Bishop-Gate*.

DUe Order of Law and Justice pleaded, against Irregular and
Arbitrary Proceedings. By *George Whitehead*.

NO CROSS, NO CROWN: *Being a Discourse of*
the Holy Cross of Christ. By *William Penn*.

An Epistle, containing a Salutation to all faithful Friends, a Re-
 proof to the Unfaithful, and a Visitation to the Enquiring, in a
 solemn Farewell to them all the Land of my Nativity. By
William Penn.

An Address to Protestants upon the present Conjunction. By *W. P.*

A Treatise of Oathes: Wherein are several weighty Reasons why
 the People called *Quakers* refuse to Swear at all.

